Remarks/Arguments

Claims 1 - 58 were pending. Claim 1 has been amended. No claims have been canceled. No new matter has been added. As such, claims 1 - 58 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

35 U.S.C §103

Claims 1-19, 22-49 and 52-58 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pyhalammi, et al, U.S. Patent Publication No. US2005/0091367 (hereinafter "Pyhalammi"), in view of Zuidema et al., U.S. Patent Application US2006/0031297 (hereinafter "Zuidema").

Pyhalammi describes a system and method for tracking content communicated over a network. (Pyhalammi, Abstract). Users can have content registered and tracked in order to show the popularity of the content for a community of users, by adding a watermark to the content. (Pyhalammi, paragraphs 7-8, paragraph 38). Pyhalammi further discloses storing a thumbnail of the image in a database. (Pyhalammi, paragraph 63). However, Pyhalammi notes that the thumbnail is not the original media item itself, but rather, a representation of the content ("a database … maybe used to store the thumbnail or other representation of the content," Pyhalammi paragraph 63, emphasis added). Therefore, Pyhalammi does not teach or suggest "storing the media item in a repository at an original quality," as recited in claim 1. In fact, Pyhalammi does the exact opposite, storing the reduced quality version, while transmitting

the original version.

Furthermore, Pyhalammi does not teach or suggest upon future encounter of the lower quality substitute copy of the media item having said identifier, restoring the media item to the original quality using said identifier. As noted above, since Pyhalammi does not teach or suggest replacing the original media item in the message, Pyhalammi cannot and does not teach or suggest restoring the particular media item to the original quality.

The Examiner cites Pyhalammi paragraphs 62-65 as teaching such a limitation. However, the cited language discusses watermarking algorithms (Pyhalammi, paragraph 62), a manner for registering content (Pyhalammi, paragraphs 63-64), and decrypting a watermark when a message with the watermarked image is delivered to a destination client (Pyhalammi, paragraph 65). There is no replacement, and subsequent restoration discussed. Therefore, Pyhalammi fails to teach or suggest "restoring the particular media item to the original quality using said identifier," as recited in claim 1.

This feature is also missing from Zuidema. Zuidema describes a method to restrict or otherwise control the forwarding of multimedia content. (Zuidema, paragraph 10). Zuidema addresses the problem where "the user who paid for the content can forward this message to another user." (Zuidema, paragraph 9).

While Zuidema describes the "MMSC could also convert the content to a relatively low quality version before forwarding the content to the intended recipient," (Zuidema, paragraph 28), Zuidema fails to teach or suggest "restoring the particular media item to the original quality using said identifier." Rather, Zuidema teaches away from restoring the media item to the original quality by

teaching that the intended recipient should download the original version. (Zuidema, paragraph 28). Zuidema teaches that by sending a low quality version of the content, the intended recipient would receive "the message and the content, but because of the low quality it would not be very valuable." (Zuidema, paragraph 28). Zuidema explains that the intended recipient would, thus, "be encouraged to download the original version from the MMS applications himself." (Zuidema, paragraph 28). However, Zuidema however does not teach or suggest "restoring the particular media item to the original quality using said identifier," as recited in claim 1.

Claim 29, recites "A computer-readable medium having processor-executable instructions for performing the method of claim 1." As noted above, Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1. Since Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1, the references alone or in combination cannot and do not teach or suggest "A computer-readable medium having processor-executable instructions for performing the method of claim 1."

Claim 30 recites "A downloadable set of processor-executable instructions for performing the method of claim 1." As noted above, Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1. Since Pyhalammi and Zuidema do not teach or suggest the limitations recited in claim 1, the references alone or in combination cannot teach or suggest "A downloadable set of processor-executable instructions for performing the method of claim 1."

Claim 31 recites, in part, "a module for restoring the particular media item to the original quality using said identifier." As discussed above, Pyhalammi and

Zuidema do not teach or suggest a module for restoring the particular media item to the original quality using an identifier. Since Pyhalammi and Zuidema do not teach or suggest restoring the particular media item to the original quality using said identifier, the references alone or in combination cannot and do not teach or suggest "a module for restoring the particular media item to the original quality using said identifier."

Therefore, claims 1, 29, 30 and 31 and their corresponding dependent claims, are not obvious over the combination of Pyhalammi and Zuidema.

Claims 20-21 and 50-51 stand rejected under 35 U.S.C §103(a) as being unpatentable over Pyhalammi in view of Rhoads, et al., U.S Patent No. 6,522,769 (hereinafter "Rhoads").

As discussed above, Pyhalammi does not teach or suggest "restoring the particular media item to the original quality using said identifier." These features are also missing from Rhoads.

Rhoads describes reconfiguring a watermark detector. However, Rhoads does not teach or suggest a system in which an original quality image is stored, the original quality image is replaced with a lower quality substitute copy, and then restored upon future encounter of the media content. In fact, Rhoads does not discuss manipulating the image at all. Therefore, Rhoads fails to remedy the shortcoming of Pyhalammi. Thus, the combination of Pyhalammi and Rhoads fail to teach or suggest the limitations recited in claim 1.

Claim 31 recites, in part, "a module for restoring the particular media item to the original quality." Pyhalammi and Rhoads alone or in combination do not teach or suggest a repository for storing the original media item, a module for

replacing the original media item in the message with a substitute copy, or a module for restoring the particular media item to the original quality. Since Pyhalammi and Rhoads do not teach or suggest "restoring the particular media item to the original quality," the references alone or in combination do not make claim 31 obvious.

In view of the above, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §103(a), and submits that the pending claims are in condition for allowance.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

Respectfully submitted,
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Dated: April 23, 2008

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